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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/589,551	06/07/2000	Thomas L. DiStefano III	1115-007U	8542

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EXAMINER	
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ART UNIT	**PAPER NUMBER**
3688	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/589,551	DISTEFANO, THOMAS L.	
	Examiner	Art Unit	
	DANIEL LASTRA	3688	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 December 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *4-6 and 22-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *4-6 and 22-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 4-6 and 22-31 have been examined. Application 09/589,551 has a filing date 06/07/2000.

Response to Amendment

2. In response to Non Final Rejection filed 12/15/09, the Applicant filed an amendment on 03/15/10, which added new claims 22-31.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 23-24, 27, 28, 39 and 31 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The Applicant needs to point out in the specification where the claimed limitation "parsing the first website for keywords, searching a database of registered websites using the keywords from the first website and identifying by the website implementation system, the second website based upon the keywords".

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 4-6 and 22, 25-26 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mason (US 6,401,075) in view of Moore et al (U.S. 6,330,575) and further in view of Ross (US 6,629,135).

As per claim 4, Mason teaches:

A method of assisting a website designer in establishing an arrangement between a first website being designed by the website designer and a second website in order to market the first website at the second website upon the activation of the first website on the Internet, the method comprising:

during the design of the first website, receiving information at a user interface indicating a type of an element for marketing that is displayed at the second website, and information specifying the second website at which the element is to be displayed (see column 5, lines 45-60);

saving the information at a first database that is coupled to the user interface (see col 5, lines 30-65);

obtaining the element for marketing of the type indicated (see col 5, lines 45-65);

causing the display of the element for marketing at the second website, wherein the element for marketing includes at least one banner ad concerning the first website and a link to the first website (see col 4, lines 20-40). Mason does not expressly teach

during the design of the first website causing the display of the element for marketing at the second website when the first website is activated with respect to the Internet and determining whether a reciprocal site for the display of at least one marketing element of a third party website exists in the first website being designed and creating the reciprocal site for the display of the at least one marketing element of the third party website when the reciprocal site does not yet exist in the first website being designed. However, Moore teaches a system for designing websites, where a first website is activated with respect to the Internet when said first website is posted to a hosting server (see Moore col 3, lines 20-45), as Applicant's specification page 33, lines 10-13 discloses that "posting" a website" and "activating a website" are equivalent terms. Ross teaches that it is old and well known in the promotion art that website programmers increased visitor traffic by placing "links" within their websites to other websites in exchange for a reciprocal link (see col 1, lines 20-35). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Mason's advertiser's website (i.e. first website) would cause the display of a banner ad in a second website (i.e. "different local newspaper websites"; see col 3, lines 10-25) when said advertiser's website is activated with respect to the Internet, as taught by Moore in order to avoid posting banner ads in websites which would not provide any click-throughs revenues and it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that said second website would accept to display said banner ad in said second website in exchange for reciprocal links

displayed in said first website, as taught by Ross in order to increase visitor traffic to said second website.

Claim 5, Mason does not teach:

when the element for marketing the first website is a banner ad concerning the first website, causing the sequential display at the reciprocal site of the first website of a plurality banner ads respectively concerning a plurality of third party websites when the first website is activated with respect to the internet. However, the same rejection applied to claim 4 regarding this missing limitation is also applied to claim 5.

As per claim 6, Mason does not teach:

when the element for marketing the first website is a link to the first website, causing the display at the reciprocal site of the first website of a plurality of links to the plurality of third party websites when the first website is activated with respect to the Internet. However, the same rejection applied to claim 4 regarding this missing limitation is also applied to claim 6.

Claims 22, 25 and 29, Mason teaches:

A method, within a computer hardware website implementation system, of establishing a reciprocal arrangement between a first website and a preexisting second website, comprising:

registering the second website with the website implementation system (see col 3, lines 10-25);

receiving, by the website implementation system, a request by a first user to implement the first website (see col 3, lines 20-65);

receiving, by the website implementation system, a selection by the first user as to a second functional marketing element to be activated on the second website (see col 3, lines 20-65);

(ii) the second website to implement the second functional marketing element and the second functional marketing element directs, via the internet, a third user of the second functional marketing element to the first website.

Mason does not expressly teach establishing, by the website implementation system, a reciprocal site in the first website for a first functional marketing element; and upon the first website being activated with respect to the internet, the computer website implementation system implementing the reciprocal arrangement by causing (i) the first website to implement the first functional marketing element wherein the first functional marketing element directs, via the internet, a second user of the first functional marketing element to the second website. However, Moore teaches a system for designing websites, where a first website is activated with respect to the Internet when said first website is posted to a hosting server (see Moore col 3, lines 20-45), as Applicant's specification page 33, lines 10-13 discloses that "posting" a website" and "activating a website" are equivalent terms. Ross teaches that it is old and well known in the promotion art that website programmers increased visitor traffic by placing "links" within their websites to other websites in exchange for a reciprocal link (see col 1, lines 20-35). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Mason's advertiser's website (i.e. first website) would cause the display of a banner ad in a second website (i.e. "different local

newspaper websites"; see col 3, lines 10-25) when said advertiser's website is activated with respect to the Internet, as taught by Moore in order to avoid posting banner ads in websites which would not provide any click-throughs revenues and it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that said second website would accept to display said banner ad in said second website in exchange for reciprocal links displayed in said first website, as taught by Ross in order to increase visitor traffic to said second website.

Claim 26, Mason teaches:

A database of registered websites (see col 3, lines 10-20).

5. Claims 23-24, 27-28 and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mason (US 6,401,075) in view of Moore et al (U.S. 6,330,575) and further in view of Ross (US 6,629,135) and Dan (US 6,560,639).

Claims 23, 27 and 30, Mason does not teach:

parsing the first website for keywords; searching a database of registered websites using the keywords from the first website; and identifying, by the website implementation system, the second website based upon the keywords. However, Dan teaches that it is old and well known in the computer art to parse a website in order to identify URL address (see col 5, lines 20-25; col 24, lines 5-25). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Mason would modify his invention to use the Dan's system in order to update banner ads sites' URL addresses and therefore, avoid posting banner ads in websites which would not provide any click-throughs revenues.

Claims 24, 28 and 31, Mason does not teach:

Wherein a plurality of second websites are identified based upon the keywords. However, Dan teaches that it is old and well known in the computer art to parse a website in order to identify URL address (see col 5, lines 20-25; col 24, lines 5-25). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Mason would modify his invention to use the Dan's system in order to update banner ads sites' URL addresses and therefore, avoid posting banner ads in websites which would not provide any click-throughs revenues.

Response to Arguments

6. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, LYNDA C JASMIN can be reached on (571) 272-6782. The official Fax number is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/DANIEL LASTRA/
Primary Examiner, Art Unit 3688
June 7, 2010